THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.7737 of 2007

Between:

T.Venkata Srinivas.

.. PETITIONER

and

The Station House Officer.
Chilakalguda P.S.

.. RESPONDENT

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ORDER:

The petitioner is an accused in Cr.No.540 of 2005 of Chilkalguda police station for the offences under Sections 489-A, 489-B, 489-C and

420 of IPC. After conducting investigation, the charge-sheet was filed before X Additional Chief Metropolitan Magistrate, Secunderabad, and the learned Magistrate took cognizance of the case and numbered as P.R.C.No.39 of 2006 and as the offence is exclusively triable by the Court of Session, it was committed to the Court of III Additional Sessions Judge, Nampally, and the same has been numbered as S.C.No.79 of 2007.

It is stated that a crucial piece of documentary evidence i.e., letter issued by the Station House Officer, Chilkalguda, Secunderabad, bearing No.360/OW/PS-CKL/2005, dated 15-10-2005, along with call data of Reliance Infocomm obtained pursuant to the directions of this court in W.P.No.20990 of 2005 has not been made part of the record. Therefore, the said documents are essential to prove his innocence.

I am of the opinion that the petitioner has no right of audience at present, as he will get the right of audience only after framing charges. It is always open for the petitioner to produce said documents in defence of his case. The petitioner can also lead defence evidence to disprove the guilt alleged against him. Therefore, it is not just and proper to issue any Writ of Mandamus as claimed by the petitioner.

Accordingly, the writ petition is dismissed with a liberty to the petitioner to take appropriate action before the criminal court itself in accordance with the provisions of code of criminal procedure. There shall be no order as to costs.

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16-04-2007

Prv